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STAT MEMORANDUM FOR: [redacted]  
Chief, Arms Control and Intelligence Staff  
STAT FROM: [redacted]  
Office of Congressional Affairs  
SUBJECT: New Arms Control Reporting Requirement

1. The House of Representatives has accepted an amendment to the DoD Authorization bill that would impose new, arms control reporting requirements on the Agency. The amendment, offered by Chairman Aspin of the House Armed Services Committee, would require the Secretary of Defense, Secretary of State and the DCI to submit a report to the Armed Services and Foreign Affairs Committees setting forth the responsibilities of each agency with respect to on-site inspection and the organizational elements within each agency responsible for monitoring and verification of arms control agreements. The report must include a description of the verification activities carried out with respect to the INF treaty, the effectiveness of the verification activities, and recommendations for any organizational or policy changes in view of the experience in implementing the INF treaty. A copy of the amendment is attached for your review.

STAT 2. I would appreciate your views on whether this type of reporting requirement would be acceptable to the Agency. If you have any questions, I can be reached [redacted]

STAT

Attachment as  
stated

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INF period. To this end, my amendment urges the President to take a strong leadership role in modernizing NATO's conventional forces and addressing the need for a credible nuclear deterrent.

But this amendment goes further. In light of reported Soviet violations of the ABM Treaty, this amendment recognizes that the United States must be prepared to counter Soviet treaty violations should they occur. If the President determines that the Soviet Union has broken out of the INF Treaty, we expect action to halt and reverse the removal of intermediate-range missiles from Europe, as well as to test and deploy strategic defense systems. The President would then direct the Secretary of Defense to include a program designed to counter treaty violations in his annual budget submission to Congress.

Mr. Chairman, the provisions in this amendment simply reaffirm this country's right to protect itself in the event of an INF breakout. The Soviet Union has to realize that if they violate the INF Treaty the United States will respond with a series of steps aimed at ensuring our national security.

The INF agreement has been hailed for its close attention to verification procedures, adorned with the motto "Trust, but verify." But the Soviet record of violations demands our skepticism. If we are to be truly prepared to meet the challenges of Soviet behavior or misbehavior, we must implement a program that takes into account the vital interests of the United States. How many Krasnoyarsks will the Soviet Union be able to construct? Could new missiles be concealed in Eastern Europe to counter the loss of the SS-20's? Verification confirms our hopeful instincts, but violations require a ready response. Let's make sure the debate years from now will center around the positive aspects of an INF Treaty instead of a narrow or broad interpretation. This amendment sends a clear signal to allies and adversaries alike: We may agree to reduce our arms, but we will take every precaution to assure the success and survival of our national security and that of our allies.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, this is an area in which all of us in the House should have great interest because the real issue concerning INF is not what has happened, not how many ground-launched cruise missiles and Pershing II's have been pulled out of Europe or how many SS-20's have been pulled out of the Soviet Union, but rather what happens to NATO solidarity following this pullout. The West is either going to resolve to be tougher or we are going to see increased defense spending by the NATO nations, we are going to see increased cooperation be-

tween the other NATO allies and the United States, or we are going to see a division of NATO by Mr. Gorbachev. He is an excellent communicator. He has already made overtures to France, to West Germany, to Great Britain. He is attempting to split the alliance.

So I want to speak in favor of the Buechner amendment which will direct the President to start working with our NATO allies to bring about some strategic solidarity in the wake of the pullout of ground-launched cruise missiles, Pershing II's, and so forth.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I will yield to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Chairman, I believe there might be some confusion with regard to the amendment. I just wonder if the gentleman could better articulate exactly the points which are relevant so that we can objectively look at this very seriously.

Mr. HUNTER. I think it is best expressed in the sense-of-Congress statement on the second page:

It is the sense of Congress that in light of the planned withdrawal of United States intermediate-range nuclear weapons from Europe under the Intermediate-Range Nuclear Forces (INF) Treaty (signed by President Reagan and Soviet Union General Secretary Gorbachev on December 8, 1987) (A) the President should work to continue to provide a credible nuclear deterrent based in Europe for the security of the North Atlantic Treaty Organization (NATO).

To shorthand that, what we are saying is we do not want to see the INF be the start of the denuclearization of Europe. We need to retain the nuclear deterrent.

Mr. MAVROULES. If the gentleman will yield one more time, I thank him for articulating. Was there a reference to the broad or narrow interpretation of the ABM? That is the part that caught my attention.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. HUNTER] has expired.

The gentleman from Missouri [Mr. BUECHNER] has 30 seconds remaining.

Mr. BUECHNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I said in my remarks it had nothing to do with the ABM Treaty. All I said was in the future if we said a "sense of the Congress" now we will not be arguing years down the road what the broad or narrow interpretation of the INF Treaty is.

The CHAIRMAN pro tempore. Does any Member desire to speak in opposition?

If not, the question is on the amendment offered by the gentleman from Missouri [Mr. BUECHNER].

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment in order is No. 37 to be offered by the gentleman from California [Mr.

DORMAN]. Is the gentleman from California present?

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If not, the next amendment in order is number 38 to be offered by the gentleman from Florida [Mr. FASCELL].

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FASCELL: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 334. ON-SITE INSPECTION AGENCY.

(a) TRANSFER TO ACDA.—Not later than October 1, 1989, the President shall transfer the On-Site Inspection Agency and its functions from the Department of Defense to the Arms Control and Disarmament Agency. Thereafter, United States on-site inspection functions shall be vested in the Arms Control and Disarmament Agency.

(b) BUDGET REQUESTS.—Any budget request for United States on-site inspection functions for fiscal year 1990 or any fiscal year thereafter shall be submitted to Congress as a budget request for the Arms Control and Disarmament Agency.

(c) DEFINITION.—As used in this section, the term "United States on-site inspection functions" means United States on-site inspections functions under the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington on December 8, 1987) or under any subsequent arms control agreement providing for on-site inspections.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. ASPIN], the chairman of the full committee.

AMENDMENT OFFERED BY MR. ASPIN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. FASCELL

Mr. ASPIN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment offered by Mr. ASPIN as a substitute for the amendment offered by Mr. FASCELL: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 334. ON-SITE INSPECTION AGENCY.

(a) REPORT REQUIREMENTS.—(1) Not later than six months after the date of the enactment of this Act, the officers named in paragraph (2) shall each submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and

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the Committees on Armed Services and Foreign Relations of the Senate an unclassified report, with classified annexes as necessary, on the responsibility of each such officer for the monitoring and verification of arms control agreements. Each such report—

(A) shall address specifically any responsibility the officer submitting the report has with respect to on-site inspections (whether inspections of facilities of the United States or inspections of facilities of another party to the agreement); and

(B) shall set forth the organizational elements of each department or agency over which the officer submitting the report has jurisdiction which have functions related to the monitoring or verification of arms control agreements.

(2) Officers referred to in paragraph (1) are the following:

(A) The Secretary of Defense.

(B) The Secretary of State.

(C) The Director of Central Intelligence.

(D) The Director of the United States Arms Control and Disarmament Agency.

(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall—

(1) describe in detail the monitoring and verification activities carried out with respect to the INF Treaty.

(2) evaluate the effectiveness with which these functions have been implemented, and

(3) include recommendations for any future organizational or policy changes that may be necessary in view of the experience of implementing the INF Treaty.

(c) INF TREATY DEFINED.—For purposes of subsection (b), the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles (signed at Washington on December 9, 1987).

(d) BUDGET REQUESTS.—Any request submitted to the Congress by the executive branch for the enactment of budget authority for the On-Site Inspection Agency, or for the enactment of any other legislation concerning the On-Site Inspection Agency, shall be submitted separately from any other request for the enactment of budget authority or other legislation.

Mr. ASPIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 5 minutes in support of his substitute amendment and a Member in opposition will be recognized for 5 minutes.

The Chair now recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield as much time as he may consume to the gentleman from Florida [Mr. FASCELL] the chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the substitute mandates a report by the executive branch on the arms control and other activities of the On-Site Inspection Agency.

It defers without prejudice any decision on the transfer of On-Site Inspection Agency to the Arms Control and Disarmament Agency.

It stipulates that the OSIA budget should be submitted as a separate legislative budget request next year without in any way changing its current operations.

This substitute will help facilitate the jurisdictional claims of both the House Foreign Affairs and Armed Services Committees relative to the activities of the On-Site Inspection Agency without encumbering next year's Department of Defense authorization bill.

The CHAIRMAN pro tempore. Does the gentleman from Alabama [Mr. DICKINSON] desire to speak in opposition to the substitute amendment?

If not, the question is on the amendment offered by the gentleman from Wisconsin [Mr. ASPIN] as a substitute for the amendment offered by the gentleman from Florida [Mr. FASCELL].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment, offered by the gentleman from Florida [Mr. FASCELL], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The next amendment in order is No. 40 to be offered by the gentleman from New York [Mr. SOLOMON].

## AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: At the end of title IX of division A (page 163, after line 6), add the following new section: SEC. 934. SELECTIVE SERVICE REGISTRATION.

Section 3 of the Military Selective Service Act is amended by adding at the end the following new subsection:

"(c) in a prosecution of a person under section 12 for failure to register under this section, the absence of essential registration information in the records of the Selective Service System concerning that person shall be prima facie evidence of that person's failure to register as required by this section unless the person discloses to the Government before the trial begins the date, time, and place of his registration under this section and the name and current address of any witness to such registration".

The CHAIRMAN pro tempore. Under the rule, the gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes, and a member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, the amendment I am offering requires a defendant accused of failing to register with Selective Service to come forward and assert that he registered, if in fact, he did register. Under the

amendment, the Government could accept his assertion and the individual's record would be corrected.

Today, there is not a single prosecution underway for failure to register. And the reason is that the cases are too difficult to prosecute because the Government has to prove a negative proposition—that a person has not registered.

The difficulty is that extensive pre-trial procedures are required for the Government to show that the absence of a registration in the records of Selective Service proves beyond a reasonable doubt that an individual has not registered.

This amendment would allow a presumption to be raised that without some type of proof that an individual registered either his name on the Selective Service registration lists or by he himself attesting to the fact that he registered that the individual is not registered.

In the most recent case prosecuted, the young man charged with failure to register, claimed that the absence of his registration from Selective Service files did not prove that he had not registered. Meanwhile, he refused to register or even admit whether or not he had in fact done so.

More than 5 years time was taken up by the "discovery phase" of the trial as the Government tried to prove that the individual did not register.

And that was a case where the indicted man had written several letters to Selective Service stating his refusal to register.

Rejection of this amendment would give carte blanche to those who refuse to register with the Selective Service System. It would be a statement that we in Congress don't care whether these lawbreakers are punished or not.

Such a position would be an insult to the 20 million young men who have obeyed the law and lived up to their obligation as a U.S. citizen.

Mr. Chairman, there has been some concerns raised that this amendment would somehow shift the burden of proof away from the Government to the individual. This is not the case.

Any young man indicted for failure to register would not be required to prove anything to avoid a guilty verdict.

Under the amendment he would simply have to state the time and place at which he registered. He would not have to prove his claim that he registered, was true.

He would not have to provide any corroborating evidence or witnesses. Instead, the Government would take his assertion at face value and could simply drop its prosecution.

The individual's record would be corrected and the young man's registration would be entered on the files.

The fact is that a nonregistrant is not inconvenienced or handicapped by a truthful disclosure of registration. In fact, the disclosure by the individual